

ZB# 05-07-A

Mira Blythe (Rumsey)

13-5-40

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 3-14-05

ZBA #05-07A M. BLYTHE (RUMSEY)
7 HIGH ST. (INT./USE) (13-5-40)

**APPLICATION FOR INTERPRETATION
CONCERNING SBL 13-5-40
COMMONLY KNOWN AS
7 HIGH STREET
NEW WINDSOR, NEW YORK**

REQUEST FOR VARIANCE # 05-07

**Application submitted by Mira Rumsey-Blythe
Executrix of Estate of Charles E. Rumsey, Jr.
To the New Windsor Zoning Board of Appeals
March 14, 2005**

OVERVIEW

This is an application for an interpretation of the New Windsor Zoning Ordinance effecting property at SBL 13-5-40 commonly known as 7 High Street. The requested interpretation is that the use of the property as an automotive storage and service garage be a permitted pre-existing non-conforming use because the property has been used as such since it was built in 1952. The original request for this use was disapproved on August 14, 2003 (**Exhibit G**)

This application is supported by the testimony of Mira Rumsey-Blythe, daughter of Charles E. Rumsey Jr. and the executrix of his estate. Charlie passed away in February of 2002.

Mira has personal knowledge of the use of the garage (**Exhibit A**) since the 1950's and has obtained affidavits from most of the tenants in the building.

Mira will testify that:

1. The garage was built in 1952 to house and service the Rumsey Oil Co. trucks.

2. Her father had a stroke in or about 1979 and that various tenants leased the building since then, consistently using the property for the service and repair of automobiles.
3. Richard Gayton (**Exhibit C**), Max Furman (**Exhibit D**), and Alfred Julian (**Exhibit E**) have leased the property for most of the period from 1979 – 2005 and their affidavits confirm that the property has been used for storage and repair during all relevant times. This application also includes the affidavit of Gina Carney (**Exhibit B**), who has lived directly across from the garage for over 30 years, which also confirms its use as both a storage and repair facility for that entire time.
4. The use of 7 High Street by any other tenants, from personal knowledge, was primarily for the service and repair of automobiles.
5. To limit the use of the property to the storage only of vehicles would work an undue hardship on the estate of her father.
6. The property is currently listed on the New Windsor Tax Rolls as a Section 432 (Service and Gas Station) but until 1996, the property was listed as a Storage Garage (Section 439). The Town changed the use code without input from or notification to Charles Rumsey in 1996. (**Exhibit H**)
7. An application to the Planning Board of June 11, 2003 was referred to the Zoning Board. Mr. Petro was of the opinion that :

“I can’t imagine that the Zoning board...having a problem with

the repair, being it's been there for I would say since I'm a young man." (Exhibit I, p.44)

8. Since the property has been consistently used for both storage and repair of motor vehicles from 1952 to the present, Mira requests that this board render an interpretation of the New Windsor Zoning Ordinance that the use of the garage be deemed a permitted pre-existing non-conforming use of the property and that a letter be issued to Mira Rumsey-Blythe to that effect.

EXHIBIT LIST

Exhibit A	Certification of Mira Rumsey-Blythe
Exhibit B	Certification of Gina Carney
Exhibit C	Certification of Richard Gayton
Exhibit D	Certification of Max Furman
Exhibit E	Certification of Alfred Julian
Exhibit F	Time Line
Exhibit G	Notice of Disapproval
Exhibit H	Memo confirming Service Station Classification
Exhibit I	Planning Board Minutes of 6/11/03
Exhibit J	Photos of High Street and Garage

CERTIFICATION OF MIRA RUMSEY-BLYTHE

STATE OF NEW YORK.....)

)

SS:

COUNTY OF ORANGE.....)

I, **Mira Rumsey-Blythe**, of full age, upon my oath depose and say.

I make this Certification freely under no threat of coercion and with full knowledge of the facts and circumstances related herein.

I am the daughter of Charles E. Rumsey Jr. and I am the Executrix of his estate of which 7 High St., New Windsor, N.Y. is a part. My family has lived in Orange County since the American Revolution and has owned property on High St. in New Windsor since the 1840's.

In or about 1952, my father was the owner of Rumsey Oil Co., a local supplier and servicer of oil and oil heat equipment. At that time, Charlie needed more room for his trucks so he built the High St. garage at #7. From that time until he had his stroke in 1980, the garage was used BOTH to store and repair the oil trucks used in the business. Since his stroke, the garage has been leased to a number of tenants, all of whom, by my personal knowledge, have used the garage to store, sell service and/or repair automobiles.

In support of my application, I am providing the board with a time line of tenancy/use of the garage since 1952. I am also providing Affidavits from various tenants who confirm the use of the facility.

It is my desire to continue the use of 7 High Street as a service garage, which is merely consistent with its use as such since 1952 long before any zoning ordinance was in effect in New Windsor.

I certify that the above statements are true to the best of my knowledge and belief I am aware that there are penalties for false swearing.

Mira Rumsey-Blythe
Mira Rumsey-Blythe

Michael D. Blythe, Esq.
Notary Public State of N.Y.
My commission expires in 2017

Michael D. Blythe

STATE OF NEW YORK.....)

COUNTY OF ORANGE.....)

I make this Certification freely under no threat of coercion and with full knowledge of the facts and circumstances related herein.

I personally knew Charles Rumsey Jr. and I have known his daughter for at least that long. Prior to Mr. Rumsey's illness, he stored and repaired oil trucks at the garage. After he became ill, I have seen a number of tenants occupy the garage and to the best of my knowledge, they always serviced and repaired automobiles. This use has been consistent to the present.

I certify that the above statements are true to the best of my knowledge and belief I am aware that there are penalties for false swearing.

5. Gina Carney
Gina Carney

Michael D. Blythe, Esq.
Notary Public State of N.Y.
My commission expires in 20

Notary Public State of N.Y.
My commission expires in 2007

CERTIFICATION OF RICHARD GAYTON

STATE OF NEW YORK.....)

) SS:

COUNTY OF ORANGE.....)

I, **Richard Gayton**, of full age, upon my oath depose and say.

I make this Certification freely under no threat of coercion and with full knowledge of the facts and circumstances related herein.

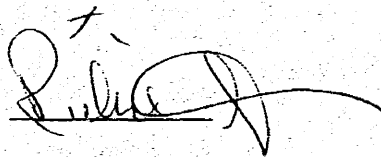
At all times relevant hereto, I was engaged in the business of automotive repair, sale and service of motor vehicles at 7 High Sreet, New Windsor, New York.

Beginning in or about Sept, 1979, I entered into a lease agreement with Charles E.

Rumsey Jr. owner of the premises at S-B-L 13-5-40 commonly known as 7 High Street, New Windsor, New York. I was the tenant in possession from 1979 until Sept, 1996

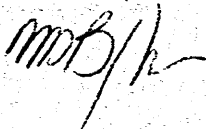
For the entire above period, I was engaged openly in the service, repair and sale of motor vehicles. I am informed that the Town of New Windsor listed this property to be for storage of motor vehicles but the primary use for the duration of my tenancy was automotive service, repair and sales.

I certify that the above statements are true to the best of my knowledge and belief I am aware that there are penalties for false swearing.



Richard Gayton

Michael D. Blythe, Esq.
Notary Public State of N.Y.
commission expires in 2007



CERTIFICATION OF MAX FURMAN

STATE OF NEW YORK.....)

) SS:

COUNTY OF ORANGE.....)

I, **Max Furman**, of full age, upon my oath depose and say.

I make this Certification freely under no threat of coercion and with full knowledge of the facts and circumstances related herein.

At all times relevant hereto, I was engaged in the business of automotive repair, sale and service of motor vehicles at 7 High Sreet, New Windsor, New York.

Beginning in or about September, 1996, I entered into a lease agreement with Charles E.

Rumsey Jr. owner of the premises at S-B-L 13-5-40 known as 7 High Street, New Windsor, New York. I was the tenant in possession from that date until June, 1998.

For the entire above period, I was engaged openly in the service, repair and sale of motor vehicles. I am informed that the Town of New Windsor listed this property to be for storage of motor vehicles but the primary use for the duration of my tenancy was automotive service, repair and sales. In fact, I was an authorized NYS repair and sales facility with my license registered at that address. (License # 7071693).

I certify that the above statements are true to the best of my knowledge and belief I am aware that there are penalties for false swearing.


Max Furman

Free
CERTIFICATION OF ~~ALBERT~~ JULIAN

STATE OF NEW YORK.....)

) SS:

COUNTY OF ORANGE.....)

I, *Free* **Albert Julian**, dba Julian Auto Body, of full age, upon my oath depose and say.

I make this Certification freely under no threat of coercion and with full knowledge of the facts and circumstances related herein.

At all times relevant hereto, I was engaged in the business of automotive repair, sale and service of motor vehicles at 7 High Sreet, New Windsor, New York.

Beginning on July 15, 2002, I entered into a lease agreement with Charles E. Rumsey Jr. owner of the premises at S-B-L 13-5-40 known as 7 High Street, New Windsor, New York. I was the tenant in possession from that date until approximately September 2004.

For the entire above period, I was engaged openly in the service and repair of motor vehicles. I am informed that the Town of New Windsor listed this property to be for storage of motor vehicles but the primary use for the duration of my tenancy was automotive service and repair.

I certify that the above statements are true to the best of my knowledge and belief I am aware that there are penalties for false swearing.

Free
Albert Julian
Free

Michael D. Blythe, Esq.
Notary Public State of N.Y.
My commission expires in 2007

MMB/12

**7 HIGH STREET
NEW WINDSOR, NY**

(Located behind New Windsor Firehouse on Walsh Rd.)

1952-----¹⁹⁸⁰~~**1983**~~-----**1992**-----**1995**-----**2002-2003**

RUMSEY OIL CO. **NEW WINDSOR COLLISION** **BUMPER TO BUMPER** **AGAPE** **JULIANS AUTO**

**Garage built by Ed & Charlie Rumsey with local
Residents. Primary site of home heating/delivery
Sales of fuel oil, kerosene, gasoline. On-site above
Ground tanks for storage & sales of various fuels.
Repaired all vehicles on-site. Customer service office.**

**Owned & operated by Richard Gayton
Auto Sales/Repairs/Body Work
Registered with State of NY**

**Auto Sales/Repairs
Dealer from Newburgh
Auto Auction
Inspection Station
NYS Registered**

**Auto Sales/Repairs
Electronic Diagnostic Ctr.
Repairs
Sales**

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 8/14/03

**APPLICANT: Charles Ramsey
320 Jackson Avenue
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Change of use

LOCATED AT: 7 High Street

ZONE: R-4 Sec/Blk/ Lot: 13-5-40

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Auto sales and repair not permitted in an R-4 zone.**



BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-4 USE: Auto sales and repair

NEED INTERPRETATION AND/OR USE VARIANCE

BULK TABLES 6-A

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

INTEROFFICE MEMORANDUM

TO: GEORGE MEYERS
FROM: MICHAEL BABCOCK
SUBJECT: 7 HIGH STREET
DATE: 11/13/02

COPY

Please be advised that the above referenced property is located in an R-4 residential zone. Also, the Assessor's records originally classified the property as a (439)-Small Parking Garage, which was used by Rumsey Oil to park their oil trucks. Then sometime before 1996 they illegally started using the building for car repair. Therefore, in 1996 the Assessor's office changed their property classification to a (432)-Service and Gas Stations.

If they would like to use this property for service repair they would need the following:

- 1) Planning Board approval
- 2) Zoning Board approval

June 11, 2003

SBL-13-5-40

Plm Bd

38

DISCUSSION:

RUMSEY/BLYTHE SITE PLAN (FROM WORK SHOP)

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. BLOOM: Good evening, gentlemen, I'm going to be representing the applicants in this particular case or the petitioners for an interpretation as the case may be. My clients, Mr. and Mrs. Blythe, Mrs. Blythe in particular I've just been brought into this in the last probably 48 hours, so I don't pretend to have a mastering of what's really involved. And as I read the information that my clients presented to me so far, I'd like Mr. Chairman with your permission to get some feedback from the building inspector and from this board as to perhaps what this board's concerns are and perhaps we can address them. And if we can't address them adequately this evening, perhaps you can give me some direction, perhaps a reference to the ZBA if you think that's necessary. By way of some limited background, I can tell you what I do know from my clients and from what I understand in speaking with my clients thus far, the information I'm going to give the board this evening I believe we can back up with affidavits and perhaps the board after considering those affidavits might be in a better position to make a determination as to perhaps what direction to send my client in at this point. With that, if I may, Mr. Chairman, I'd like to indicate that it's my understanding that the concern at the present time is that the present use of the premises and we're talking about 7 High Street here premises, the old Rumsey building behind the firehouse in New Windsor are being classified as a according to the memo I'm looking at from the building inspector's office a 4.3.2 service and gas station type of designation. The indication was that up until 1996, it was classified as a 4.3.9 or small parking garage. Based upon the opinion, information my clients presented to me, it appears to me at least at this point that the prior designation of the, 4.3.9, the small parking garage was near or we all know going back in the old days that we weren't so much

concerned with precise designations and I think what's important is the actual use of the property from its inception. And so I had my client prepare for me a chart to indicate that and I asked my client whether or not she feels that I would be in a position to present this board with affidavits, sworn statements confirming this timeline so to speak and she says yes, so I'd like to present that to you and then I would appreciate your feedback as to where we go from here.

MR. PETRO: Before you read that, just clarify something for me, what's the client want to use the building for and what is it presently used for?

MR. BLOOM: It's presently rented to Julian's Auto, been rented since 2002 to Julian's Auto and at the present time, my client informs me that auto sales and repairs, electric diagnostic center repairs and sales including New York State Inspection station, it's my understanding that in 1952 the building was built by Ed and Charles Rumsey.

MR. PETRO: What's the present zoning?

MR. BLOOM: Right now, it's zoned, 4.3.2 service and gas station.

MR. PETRO: Overall zone R-1 zone, R-2?

MR. BLOOM: Overall zone I don't know that.

MR. BABCOCK: It's an R-4 zone.

MR. PETRO: It's a residential zone. I won't interrupt you now.

MR. BLOOM: Go ahead, I appreciate the input. In 1952, the building was built at that time by Ed and Charlie Rumsey who were local residents, they constructed it, they used it as a home heating oil delivery and sales of fuel oil, kerosene, gasoline storage on-site aboveground tanks for storage and sales of various fuels and they repaired all the vehicles, on-site customer service office associated. That went from 1952 to 1980. From 1980 to 1992, Richard Gayton, New

Windsor Collision occupied it, he owned and operated the auto sales repairs body work registered New York State Inspection station from '80 to '92 and then a company known as Bumper to Bumper occupied it as an auto sales repairs dealer from Newburgh, auto inspection station, New York State registered from '92 to '95. From 1995 to 2002, it was used as an auto sales repairs electronic diagnostic center repairs and sales company known as Agape, Mr. A-G-A-P-E.

MR. PETRO: He had auto sales there?

MR. BLOOM: Yes, he did.

MR. PETRO: He has had a license attached to the property not that he was selling vehicles but did he have an automotive vehicle?

MRS. BLYTHE: I saw tags but that's as far as, I never questioned him.

MR. BRESNAN: Mr. Chairman, this is near Gus' Tavern?

MR. PETRO: It's behind the firehouse, he's behind the Octoberfest sign. I think what we need to do, I think we're going to have to verify that that was an actual license cause whether he was selling them there doesn't mean a thing, whether he was licensed to be selling them there at that time but go ahead.

MR. BLOOM: No, that's basically it and so I'm really here for an opinion as to what direction you'd like me to go in. My thought was before I came here this evening that I prepare an affidavit, series of affidavits either by former owners and operators or if I can't get those by people with personal knowledge of those prior operations and submit them to the board for review. And then after perhaps that review and then a determination by the board as to what if anything you think is appropriate for my client to do at this juncture.

MR. PETRO: Well, I think there's two things, the first one would be to repair, the right to be there, to repair seems to me it's been that way for many years, I

have been there starting with Runsey, I have been there and I know the site and I don't know, Mike, you listen to what I'm saying here because I don't know, I'm sure that they've been given a summons or there's a reason he's here because they're not supposed to be there or the fire department's saying that, correct?

MR. BABCOCK: Correct.

MR. PETRO: For occupancy, illegal occupancy, does that strictly go for the repairs if it was just repair?

MR. BABCOCK: Well, right now, our records are not really clear, but what I can make out of our records it was really there as storage of the fuel oil trucks, now whether he worked on the fuel oil trucks or not, I don't know. But that's not what our records show. So we're saying that you can use it for storage and we're saying that we're, I can't give them approval to use it for repair and/or sales.

MR. PETRO: Leave the sales out because that's going to be very difficult but the repair, I'm not so sure. I think he's got a pretty good record of what went on and I'm only speaking for myself, thinking out loud so and anybody chime in at any time. Have you received any complaints from anybody in reference to that site, in other words, is this being acted on on a complaint?

MR. BABCOCK: No, no, it's being acted on Mr. Blythe came and saw me to sit down and talk to me about it and what he could use his building for and he'd like to use his building for more than what I'm willing to let him use it for without some type of an approval.

MR. PETRO: I know the whole thing, I'm just trying to get some information. It's occupied as repair and I think he wants to do the sales but in order to do sales, you need a letter from the Town, you know, all that story or obviously, he's not going to give that out. So they can't do sales there, no way he's going to get a license. I think it's important to find out, Dan, if there was ever on that location but that doesn't make it right if somebody happened to get way with it, the sales part is going to be difficult and I

will tell you why because about four years ago, our present Town attorney, Supervisor and the Town Board went out of their way to take the law and there was some leeway in auto sales and now in all the zones right down to NC zone the first line item is no car sales, very little left or right movement from that, says no car sales. You don't interpret that to mean no car sales, we've all got a problem. And that certainly includes that zone. So to me, the only way around that is going to be a use variance to apply for a use variance which frankly I can't imagine you getting.

MR. KRIEGER: And/or interpretation.

MR. PETRO: Not talking about the repair, I'm talking about sales of vehicles there.

MR. KRIEGER: Has to do with all of them.

MR. PETRO: You've got a better case for the repair. Mr. Rumsey certainly repaired his trucks. Unkie Gayton was in there when I was a kid, he was in there, so I don't know, he's in there a long time. Well, not a kid, but anyway, and you want to do both, I'm sure is that what you're trying to do?

MR. BLOOM: Well, I believe at this time you want to do both, is that correct?

MR. BLYTHE: That's correct.

MR. PETRO: What do you say Mike he needs a use variance for the sales? I mean, unless, but even if they can prove that that prior man in 1985 had a license, you gave a letter out which I doubt that you did in an R-4 zone.

MR. BABCOCK: Well, in '85, Motor Vehicles didn't bother with us or bother asking us for a letter, you know. Now, today, they're getting a little more strict so they're asking for that. I think right now if they didn't need a letter from me, there probably wouldn't be a question in anybody's mind.

MR. PETRO: That's what's triggering the whole thing is

the letter.

MR. SCHLESINGER: If the building's occupied now, they're not selling automobiles now?

MR. PETRO: He can't get a license.

MR. SCHLESINGER: He wants to sell automobiles there and never sold them there before, although you say there has been some history.

MR. BLOOM: There have been prior owners who have but the problem arises now because now the State wants a letter from the Town, as Mike says, that's what's triggering this thing. If the State didn't take that position, we wouldn't be here.

MR. PETRO: In my opinion I think that the auto repair to me is a continuance of use on that site. I don't see where that's a problem. The auto sales I think you're going to need to, again I'm repeating myself, apply for a variance and that's my opinion. Does anybody disagree with that?

MR. BABCOCK: Well, Jim, maybe if not that I disagree with you but maybe if he applies for like Andy said an interpretation and/or variance if he can demonstrate to the zoning board which Dan is saying with his documents there that and demonstrate that sales did happen there to the zoning board with the affidavits and which entitles him to an interpretation that it's been a non-conforming use as repair and sales since 1952, therefore, he wouldn't need a variance, then he could come back to this board to get the approval and/or variance.

MR. PETRO: Basically, you're at the wrong board.

MR. BLOOM: Well, I realize the ultimate determination is going to have to come from there but I appreciate your input here cause I wanted to get a feeling for whether or not we're going in the right direction and I think we are and I think Mr. Babcock's suggestion that we go for an interpretation, Mr. Krieger's suggestion I think makes sense.

June 11, 2003

44

MR. PETRO: You have ammunition there to prove some hardship.

MR. BLOOM: I think that makes sense. I think that's what I will suggest to my client that we make an application to the ZBA for an interpretation variance, if appropriate, and perhaps we'd be back here after that.

MR. PETRO: What we can do for you tonight, Dan, authorize you go directly to the ZBA, don't make an appearance with a site plan, we'll deny it, you saw what we did earlier, sent Central Hudson, you don't need to do that, you can go directly to the zoning board and get an interpretation. If you're successful and want to come back to the planning board, we'll see you then. I would suggest they go for both, I can't imagine the zoning board, this is only my opinion, having a problem with the repair being it's been there for I would say since I'm a young man, it's been there a long time.

MR. KRIEGER: Assuming that what Dan believes to be true ultimately proves out.

MR. PETRO: Yes, well, I believe from personal experience I know everything that he's said I've seen them there, that's what was there, as far as the car use, they're going to have to come up with the car sales, that's their call, it's not our call.

MR. BLOOM: Thank you.

7 HIGH STREET GARAGE
NEW WINDSOR NEW YORK





Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

July 1, 2005

Mira Rumsey Blythe, Executrix
320 Jackson Avenue
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-07

Dear Mr. & Mrs. Blythe:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 13-5-40

In the Matter of the Application of

**MEMORANDUM OF
DECISION GRANTING**

MIRA BLYTHE RUMSEY (for Charles Rumsey Estate)

INTERPRETATION

CASE #05-07

WHEREAS, Michael & Mira Blythe appeared representing Charles Rumsey , owner(s) of 7 High Street , New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request of Interpretation of existing auto sales and repair shop at 7 High Street in an R-4 Zone (13-5-40)

WHEREAS, a public hearing was held on March 14, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located in a mixed commercial and residential neighborhood.
 - (b) Although the use as a repair and storage facility is not permitted under the New Windsor Zoning Law, it appears that this premises was used as a repair and storage facility continuously since before the enactment of Zoning in the Town of New Windsor.

- (c) Only automobile repair will be allowed at the lot, not automobile sales since the property does not have a pre-existing, non-conforming use for automobile sales.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The property may lawfully be used for the purpose of motor vehicle repair and (not motor vehicle sales) since automobile repair is a pre-existing, non-conforming use.
2. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
3. There is no other feasible method available to the Applicant that can produce the benefits sought.
4. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
5. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
6. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
7. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
8. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
9. The interests of justice will be served by allowing the granting of the requested area variance(s).

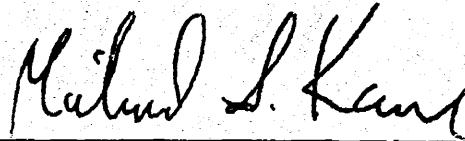
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request of Interpretation of existing auto sales and repair shop at 7 High Street in an R-4 Zone (13-5-40) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: March 14, 2005

A handwritten signature in cursive script, reading "Michael S. Kane", written over a horizontal line.

Chairman

**PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-07
Request of MIRA RUMSEY BLYTHE
(for Charles Rumsey)
for a VARIANCE of the Zoning Local Law to Permit:
Request of Interpretation of existing auto repair shop
at 7 High Street in an R-4 Zone (13-5-40)

PUBLIC HEARING will take place on MARCH 14,
2005 at the New Windsor Town Hall, 555 Union Avenue, New
Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

Ad Number: 1733844 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODRNL Date: 04/14/2005 Assigned Sales: AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: TIM Paper: IN Class: 999X; LEGAL BILLING

Schedule: Start Date - 02/22/2005 End Date - 02/22/2005

Sort: PUBLIC HEARING NOTICE ZONING BOARD OF AP

PRODUCTION:

Text Size: 2 x 22.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 40.34 Payment Method: BI Amount Paid: 0 Amount Owed: 40.34

Price Method: 0 (0=Normal, 1=User Met, 2=System Gross) Rate Code: LE

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 8/14/03

**APPLICANT: Charles Rumsey
320 Jackson Avenue
New Windsor, NY 12553**

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Change of use

LOCATED AT: 7 High Street

ZONE: R-4 Sec/Blk/ Lot: 13-5-40

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. ~~Auto sales~~ and repair not permitted in an R-4 zone.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: ~~Auto sales and~~ repair

NEED INTERPRETATION AND/OR USE VARIANCE

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

8/18/03 Sent Application to Bloom

" Copy to Blyth

2/27/04 Sent Application

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED
MAR 27 2003
BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: PA 2003-0243

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

☒ Owner of Premises Charles Rumsey Jr. (dec) - by MIRA Rumsey By the

☒ Address 330 JACKSON AVE. New Windsor Phone # 447-3258

☒ Mailing Address Same Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

State whether applicant is owner, lessee, agent, architect, engineer or builder

agent

If applicant is a corporation, signature of duly authorized officer

(Name and title of corporate officer)

1. On what street is property located? On the South side of H. High
(N, S, E or W)
and 100' feet from the intersection of Cedar
2. Zone or use district in which premises are situated R4 Is property a flood zone? Y N X
3. Tax Map Description: Section 13 Block 5 Lot 40
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy automotive b. Intended use and occupancy automotive
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other
6. Is this a corner lot? No change of use
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use automotive sales/
repair

10. Estimated cost

none

Fee

\$50.00

ZONING BOARD

PLANNING BOARD

ZONING BOARD

PAID

APPLICATION FOR BUILDING PERMIT

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 583-4818
(845) 583-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Mura Rumez-Blythe
(Signature of Applicant)

320 Jackson Ave. New Windsor
(Address of Applicant)

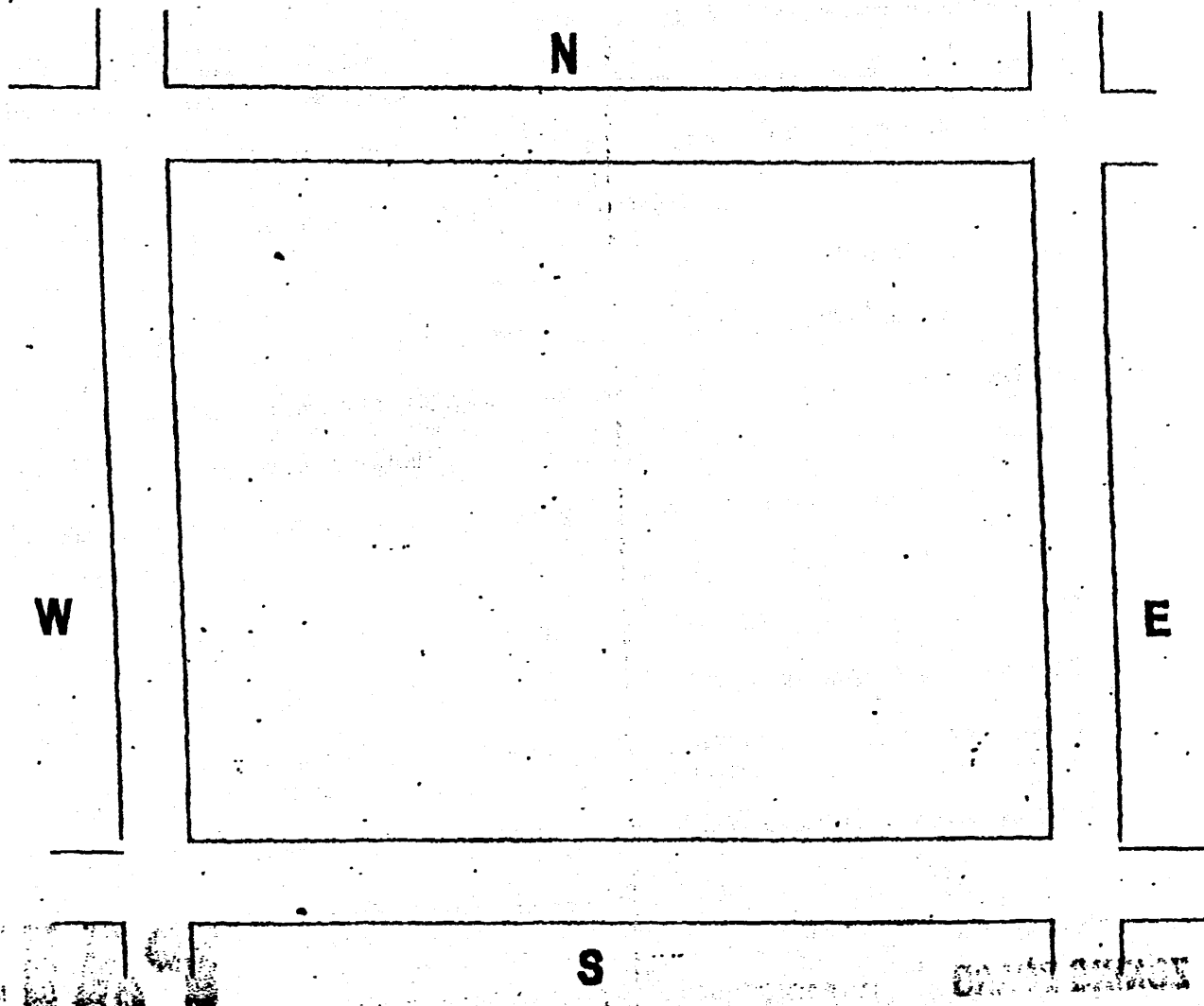
Mura Rumez-Blythe
(Owner's Signature)

320 Jackson Ave N.W
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OR CORRECTIONS

JOHN

STREET

SPRING

STREET

HIGH

ROAD

ESTATE OF D.P. KELLEY

Quassick Fire Engine Co.

D.P. KELLEY MAP 650

NS43.000
ES89.500

4

5

58.2

1.2 A

8 57

190.9

60.6 30.3 30.3 70.8
2 3
11

**7 HIGH STREET GARAGE
NEW WINDSOR, NY**



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MARCH 29, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 345.66 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-07

NAME & ADDRESS:

**Mira Rumsey Blythe, Executrix
320 Jackson Avenue
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.03-29-2005



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-07 TYPE:INTERP. AND/OR VARIANCE TELE: 913-6093

APPLICANT Name & Address:

Mira Rumsey Blythe, Executrix
320 Jackson Avenue
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>1695</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK # 1696

~~~~~

| <u>DISBURSEMENTS:</u>        |                | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>4</u> PAGES | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ____ PAGES     | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>4</u> PAGES | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | ____ PAGES     | \$ _____                               | \$ _____                      |

LEGAL AD: Publish Date:02-22-05      \$ 40.34

TOTAL:      \$ 84.34      \$ 70.00

~~~~~

ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 154.34

AMOUNT DUE: \$ _____

REFUND DUE: \$ 345.66

Cc:

L.R. 03-29-2005

MIRA BLYTHE RUMSEY (FOR CHARLES RUMSEY ESTATE)

MR. KANE: Request of interpretation of existing auto sales and repair shop at 7 High Street.

Mr. and Mrs. Mike Blythe appeared before the board for this proposal.

MR. BLYTHE: I'm Mike Blythe, I'm an attorney and I also happen to be Mira's husband. Just to assist the board, I just prepared an overview document with the appropriate attachments so that you have, you know, the appropriate material in front of you. The last page is pictures that were taken today, if you're not familiar with High Street if you're traveling on Walsh Road and you pass the New Windsor Firehouse, make the left-hand turn on Cedar Avenue like you're going down back to 9W and before you get to Gus' Tavern, it's a short road on the left-hand side, it goes back up and ends at Federal Block. This garage was built, just I'm giving you an overview, at the beginning the garage has been in the Rumsey family, it was built in the '50s, it was always used to service and repair the Rumsey Oil company trucks. Charlie had a stroke in about 1979, I have provided you with affidavits from variance tenants, including Rich Gayton, who leased the property, Mira's here to talk to you about any of the tenants, give you a timeline, show that it's been in continuous use as a repair garage through the entire time. The problem that what he did was that at some point in time as Mr. Babcock will tell you the property was listed as a storage facility only when in fact it was being used as a repair and storage facility all these years and we're just here to clean up that particular use. There was some confusion at one point in time as to whether we were, we wanted auto sales at the property, that request has been withdrawn. So all we want to do is use the property for what it's been used for for 50 years, service only and Mira's here to answer any questions that you have with regard to the application.

The submission is fairly clear, you have certifications from Mira, from Gina Kearney, who's lived directly across the street for over 30 years, Richie Gayton who owns New Windsor Collision Center and he leased the property or sublet it to other individuals for some 15 years, Max Furman, Bumper to Bumper Auto, he had his New York State license to repair vehicles posted at that site, Al Julian had it for a couple years, he's no longer the tenant, Mira can tell you who the new tenant is, he again is doing service and repair of automobiles, you've got the opinions from the planning board meeting in which Mr. Petro indicated that he recalled that it's been a service garage since he was a boy and then lastly the photographs of the property. So just if you have any questions just turn it over to the board you can ask Mira anything, any questions.

MR. KANE: You did your homework.

MR. BLYTHE: Thank you.

MR. REIS: We're striking out the auto sales on this?

MR. KANE: That's correct, for auto repair is the only use we're looking at right now, a continued use and from what I'm seeing here--

MR. REIS: You're not taking down or eliminating or expanding the facility in any way?

MRS. BLYTHE: Not changing anything.

MR. KANE: At this point, I will just open it up and see if there's anybody from the public for this particular hearing. Only one left so you all must be here for this one. Nobody's here. Myra, how many mailings did we have?

MS. MASON: On February 18, I mailed out 77 envelopes and had no response.

MR. KANE: Any other questions from the board?

MR. BLYTHE: For the record, Mr. Kane, Myra had advised me that the, it's within 500 feet of the City of Newburgh and I wrote to Miss McGrane certified and I have that here January 18 advising her of the hearing and advising her if the City of Newburgh had any interest to advise me or the board I have not heard from them I assume that Miss Mason has not heard from them.

MS. MASON: Nothing.

MR. KANE: Do you have a copy of that in the records?

MS. MASON: I don't.

MR. KANE: Can we have a copy for the record or make a copy and get it to Myra so we can just have a complete file on that?

MRS. BLYTHE: We had two returned to us attempted.

MR. KANE: You can return them to Myra.

MR. KRIEGER: I have one other question. In looking at the overview it has a number of items in here that it says that Mira will testify to, you testify to them, right?

MRS. BLYTHE: Yes.

MR. KRIEGER: Do you swear it's the truth and nothing but the truth?

MRS. BLYTHE: I do.

MR. REIS: What brings you to the board?

MR. BLYTHE: Because in order for the repair shop to hang their license there we need a letter from the Town and we just wanted to, and Mr. Babcock asked us to just clear up any ambiguity, that's why we're here so we're requesting that we have the Town issue us a letter advising us that it's a permitted use in that, a pre-existing non-conforming use.

MR. BABCOCK: The new rules of Motor Vehicle require that I write a letter for every motor vehicle repair shop that they're permitted to be in that building, so they can't get a repair license without that, this is going to clear up the repair of this building and then I'm able to write them a letter so they can get a motor vehicle license.

MR. KANE: Seems to me all the homework's here, everything that we need to make a positive interpretation to be here, so I will accept a motion.

MR. REIS: I make a motion that we grant Mira Blythe Rumsey requested, well, interpretation as an acceptable use for a repair shop only.

MR. KRIEGER: As a pre-existing, non-conforming use.

MR. REIS: Repair shop at 7 High Street not to be used as auto sales.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MIRA BLYTHE RUMSEY (FOR CHARLES RUMSEY ESTATE)

Mr. and Mrs. Michael Blythe appeared before the board for this proposal.

MR. KANE: Request of interpretation of existing auto sales and repair shop at 7 High Street.

MR. BLYTHE: If it will help to walk to go through this, I just prepared this to hand out. We're here for an interpretation that the current use of the property is a pre-existing, non-conforming use of 7 High Street which has been in the Rumsey family since the '50s and been in continuous use. First document just shows that this is currently listed on the tax rolls in New Windsor and under 432 as a service station and garage. Up until 1996, it was listed as a storage facility. The Town of New Windsor changed it on its own over to this particular classification which has remained for the last nine years. I should also like to make clear for Mr. Babcock's edification that the, on the agenda for this evening it says we're requesting an interpretation of existing auto sales and repair. We're withdrawing the application for auto sales which I believe was the initial sticking point and we're only seeking the interpretation as to auto repair which is the current use of the property. The second document is just very simply the denial by Mr. Babcock's office of the initial application. The third document is just that the assessor's manual, shows what the 432 use is which is what it is classified for now and there's no gas sales on the property and there never has been to provide minor repairs and services. And the next just the hearing which took place before the planning board in June of '03 and I would just bring to the board's attention on the last two pages, page 40, on page 43 Mr. Petro in the middle where he indicates that it's his opinion that in and I quote from him in my opinion I think that the auto repair to me is a continuation or continuance of use on that site. I don't see where

that's a problem and he continued so what they're worried about there initially was the use of the property for auto sales, again which we're no longer seeking. And he concludes by referring the applicant which is Mrs. Blythe over to and on page 44 again Mr. Petro what we can do for you tonight is authorize you that you go directly to the ZBA, don't make an appearance for the site plan, we'll deny it and he continues you can go directly to the zoning board and get an interpretation. If you're successful and want to come back to the planning board we'll see you then. I would suggest they go for both, I can't imagine the zoning board, this is only my opinion, having a problem with the repair being it's been there for I would say since I'm a young man, it's been there a long time. And the last document that I have is a time line which was prepared by Miss Rumsey going back to 1952 which is when the building was originally built and giving you an idea of the different people who have been at the site since that time continuously using it for well originally the Rumsey Oil Company then everywhere from Richard Gayton and New Windsor Collision was there for a number of years and it's currently being used for minor auto repair, been doing that it's been that's what's been going on there for since the '50s initially essentially.

MR. KANE: Basically it's been used in some kind of repair since 1952?

MR. BLYTHE: Yes.

MR. KANE: It predates zoning which is what, '66?

MR. BABCOCK: '66.

MR. KANE: Jimmy Petro doesn't think we'll have a problem, huh?

MR. BLYTHE: And Mira's here to answer any questions if

the board has any questions with regard to the use of the property.

MR. RIVERA: After all these years, what brings you to the board?

MR. BLYTHE: For someone to hang a sign, they need a letter from the Town, it's no more complicated than that and because I believe the initial hang-up had to do with the sales and repair I think since we're withdrawing the application with regard to sales because there was some question as to whether sales was a continuous use of the property, even though as is customary in New Windsor a lot of the auto shops also sell cars on the side that has been going on there but whether that was continuous and would be a pre-existing, non-conforming use there was some question as to that but now without us looking to have any sales there and just the repair there seems to be little doubt that the repair has been continuous and non-conforming use.

MR. KANE: Yeah, I don't have a problem with that, with the interpretation, we want to put in the no sales, make sure we don't have the auto sales going on there, I have no problems. I think it seems to be in continuous use, the same type of use. Want to set him up for a public hearing?

MR. REIS: I'll make a motion we set up Mira Blythe Rumsey for a public hearing for an interpretation of the existing repair shop at 7 High Street in the R-4 zone and not to include auto sales.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN AYE
MS. LOCEY AYE

January 10, 2005

31

MR. RIVERA AYE
MR. REIS AYE
MR. KANE AYE

MR. BLYTHE: Will we be able to present the time line
by affidavit as opposed to bring in live testimony?

MR. KANE: Affidavits are fine. We've had that before.

Michael D. Blythe, Esq.

Cell (845) 913-6094

320 Jackson Ave
New Windsor, N.Y. 12553

Home (845) 497-3255

January 18, 2005

Jean McGrane -City Manager
City of Newburgh
83 Broadway
Newburgh, N.Y. 12550

RE: Town of New Windsor ZBA # 05-07(77)
SBL: 13-5-40
AKA: 7 High Street
New Windsor, N.Y.

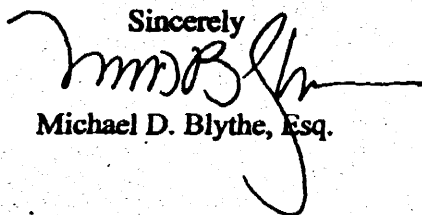
Dear Ms. McGrane,

This letter is to confirm my conversation with Mr. Rolke today. We are requesting an interpretation from the Town of New Windsor that the above-mentioned property is a pre-existing non-conforming use in an R4 zone. Please note that it has been a Service Garage since 1952 when it was built. Enclosed is correspondence from the Town of New Windsor, which indicates that the parcel is "within 500 feet of the City of Newburgh".

If the City of Newburgh has any notification or other requirements relative to our application to the Town of New Windsor please advise me or the Town of New Windsor prior to February 1, 2005.

Thank you for your courtesy and cooperation.

Sincerely



Michael D. Blythe, Esq.

cc: J. Todd Wiley LAO
Sole Assessor
555 Union Ave
New Windsor, N.Y. 12550

SENDER

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Jean McGroane
City Mgr., Newburgh
83 Broadway
Newburgh, NY 12550

A. Signature

X - *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

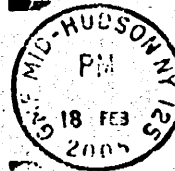
7002 0460 0003 8850 2429

PS Form 3811, February 2004

Domestic Return Receipt

10295-02-00-1000

1801 & Mira Blythe
60 Jackson Ave.
Windsor, NY 12553



ATTEMPTED
NOT KNOWN
ATTEMPTED
NOT KNOWN

4-7-9
Rd Development
2439 Route 32 Suite 10
New Windsor, NY 12553

screw for phone
back of phone

12553-02-10



NY 12553



RESULTS OF Z.B.A. MEETING OF: March 4, 2005

PROJECT: Mira Rumsey

ZBA # 05-07

P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
KANE _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED: M) RS S) GN VOTE: A 4 N 0.

GANN _____
~~LOCEY~~ _____
RIVERA _____
~~MCDONALD~~ _____
REIS _____
KANE _____

A
RS
A
GN
A
A

CARRIED: Y ☒ N _____.

No Sales

Interpretation

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

MIRA RUMSEY BLYTHE (for Charles Rumsey)

#05-07

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 18th day of **February, 2005**, I compared the 77 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

14th day of March, 2005


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified in Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

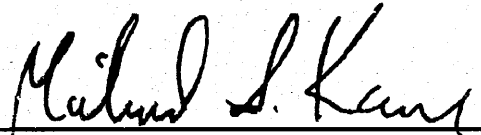
Appeal No. 05-07

Request of MIRA RUMSEY BLYTHE (for Charles Rumsey)

for a VARIANCE of the Zoning Local Law to Permit:

Request of Interpretation of existing auto repair shop at 7 High Street in an R-4 Zone (13-5-40)

PUBLIC HEARING will take place on MARCH 14, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

Michael Kane, Chairman



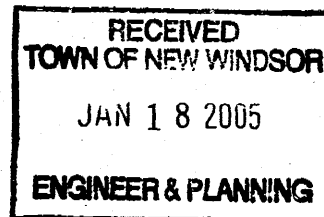
Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693
J. Todd Wiley, IAO

Assessor's Office

January 14, 2005

Michael or Mira Blythe
320 Jackson Avenue
New Windsor, NY 12553



Re: 13-5-40 ZBA#:05-07 (77)

Dear Mr. and Mrs. Blythe

According to our records, the attached of property owners are within five hundred (500) feet of the above referenced property.

Please be advised that the above mentioned parcel is also within five hundred (500) feet of the City of Newburgh.

The charge for this service is \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/lk
Attachments

CC: Myra Mason, Zoning Board

9-1-65

Hilmer & Inge Kusmierz
C/o Monfort Bros Inc.
Attn: Melissa
44 Elm St.
Fishkill, NY 12524

9-1-66.1

Masud Naraghi
C/o Torr International
12 Columbus St.
New Windsor, NY 12553

9-1-67

Brewster & Geraldine Paffendorf
1 Quassaick Ave.
New Windsor, NY 12553

9-1-68.2

County Of Orange
255-275 Main St.
Goshen, NY 10924

13-4-1

Daniel Lopez
140 John St.
New Windsor, NY 12553

13-4-2

Troy Taylor
138 John St.
New Windsor, NY 12553

13-4-3

Joleen Colpa
136 John St.
New Windsor, NY 12553

13-4-4

Carmine DaMario
13 Oak Ridge Dr.
New Windsor, NY 12553

13-4-5

Mark Summers
130 John St.
New Windsor, NY 12553

13-4-6

Gina Pietrobuono
128 John St.
New Windsor, NY 12553

13-4-7

James & Irene Brown
126 John St.
New Windsor, NY 12553

13-4-8

William & Nancy Lee Mitchell
124 John St.
New Windsor, NY 12553

13-4-9

Elisabeth Stone
122 John St.
New Windsor, NY 12553

13-4-10

Alan Ellingsen
120 John St.
New Windsor, NY 12553

13-4-11 & 13-4-14

Thomas & Marlene Van Zandt
108 John St.
New Windsor, NY 12553

13-4-12

Douglas & Talita Thomaz
116 John St.
New Windsor, NY 12553

13-4-13

Samuel Masako De Pace
112 John St.
New Windsor, NY 12553

13-4-15

James Milliken
104 John St.
New Windsor, NY 12553

13-5-1

Specialty Powder Metallurgy
Products Corp.
23 Spring Rock Rd.
New Windsor, NY 12553

13-5-2 & 13-5-27

Gerald Jr. & Cheryl Guilliod
4 Orfeo Rd.
Walkill, NY 12589

13-5-4 & 13-5-26

Robert James Sager
475 Little Britain Rd.
Newburgh, NY 12550

13-5-5.1

John & Georgette Evans
30 Hilltop Dr.
New Windsor, NY 12553

13-5-9

Rutilo & Josefina Garcia
123 John St.
New Windsor, NY 12553

13-5-11

Loreta Sirio
119 John St.
New Windsor, NY 12553

13-5-12

Constantino & Kathi De Sousa
PO Box 4266
New Windsor, NY 12553

13-5-13.1, 14-7-1, 14-7-2 & 17-7-3

Richard & Linda Ostner
66 Union Ave.
New Windsor, NY 12553

13-5-15

Michael & Donna Collins
6 Cedar Ave.
New Windsor, NY 12553

13-5-16

Shawn & Carina Harris
6 High St.
New Windsor, NY 12553

13-5-18

John & Mary Carney
8 High St.
New Windsor, NY 12553

13-5-22

Yvonne Conklin
12 High St.
New Windsor, NY 12553

13-5-24.1
John Naclerio & Cathleen Perren
14 High St.
New Windsor, NY 12553

13-5-29
Linwood Rhodes Jr.
259 Walsh Ave.
New Windsor, NY 12553

13-5-30
Thomas & Karen Russell
263 Walsh Ave.
New Windsor NY, 12553

13-5-37
Michael & Mira Blythe
William Blythe ETAL
320 Jackson Ave.
New Windsor, NY 12553

13-5-43 & 13-5-44
Gladys Rosales & Ana Funez
8 Cedar Ave.
New Windsor, NY 12553

13-5-45
Town Quassaick Fire
275 Walsh Ave.
New Windsor, NY 12553

13-5-57
William Babcock
255 Walsh Ave.
New Windsor, NY 12553

13-5-58.2
Walsh Street Properties Inc.
C/o Sam Kaufman
5 Quickway Rd. unit 201
Monroe, NY 10950

13-6-1
Hotzlucha Walsh Realty Corp.
256 Walsh Ave.
New Windsor, NY 12553

13-6-2
Elizabeth Rahm
15 Lawrence Ave.
New Windsor, NY 12553

13-6-6
James Jr. & Arianne Lake
12 Ora St.
New Windsor, NY 12553

13-6-7, 13-6-8, 13-6-9 & 13-6-10
Albert J. & Albert A. & Alison Coritz
268 Walsh Ave.
New Windsor, NY 12553

13-6-11
Lynn Mehl
270 Walsh Ave.
New Windsor, NY 12553

13-6-12
Christian Moocz
8 Blanche Ave.
New Windsor, NY 12553

13-7-1
Stephan Ferrara & Shirley June
5 Ora St.
New Windsor, NY 12553

13-7-3
Lenora Grable
313 Walsh Ave.
New Windsor, NY 12553

13-7-5
George Vinson
PO Box 756
Vails Gate, NY 12584

13-7-6
Jennico Realty LLC
307 River Road North
Wappingers Falls, NY 12590

13-7-7
Edna Babcock
10 Clancy Ave.
New Windsor, NY 12553

13-7-11.2
Leroy Porter
9 Melrose Ave.
New Windsor, NY 12553

13-7-12
Brian Alessi
3 Melrose Ave.
New Windsor, NY 12553

13-8-1
Bruno & Maddalena Marchetta
272 Walsh Ave.
New Windsor, NY 12553

13-8-2 & 13-8-3
Olga Mendoza
92 Beacon St.
Newburgh, NY 12550

13-8-6 & 14-7-24
Charles Jr. & Frances Rumsey
C/o Mira Ellen Blythe
320 Jackson Ave.
New Windsor, NY 12553

13-8-7, 13-8-9 & 13-8-11
Daniel & Helene Kerin
Frank Gerbes
16 Cedar Ave.
New Windsor, NY 12553

13-8-16
George Kelley
17 Blanche Ave.
New Windsor, NY 12553

13-8-17
George Kelley
Pauline Osusky
185 Hudson View Circle
Kingston, NY 12401

13-8-18
Thomas & Kathleen O'Brien
13 Blanche Ave.
New Windsor, NY 12553

13-8-19
Brian Krutchkoff
63 Sand Point Rd.
Washingtonville, NY 10992

13-8-20
George & Jennifer Krajewski
96 East Hook Cross Rd.
Hopewell Junction, NY 12533

14-1-1
Thomas & Donna Curtin
20 Hunter Rd.
Washingtonville, NY 10992

14-7-19.1
North Plank Dev Co LLC
5020 Route 9W
Newburgh, NY 12550

14-1-2
Roland Sr. & Marie Mitchell
2 Nancy Lane
Newburgh, NY 12550

14-7-21
Margaret Bulson & Kenneth Crone
289 Walsh Ave.
New Windsor, NY 12553

14-1-23
Thomas Terribile
66 Willow Ave.
Cornwall, NY 12518

14-7-22
Jose & Victoriana Camacho
287 Walsh Ave.
New Windsor, NY 12553

4-1-24
Edward Reeves
9 Quassaick Ave.
New Windsor, NY 12553

14-7-23 & 14-7-6
Ferdinand Ritz
283 Walsh Ave.
New Windsor, NY 12553

14-6-1
Calvary Cemetery
Church Of St Patrick
55 Grand St.
Newburgh, NY 12550

14-7-25
Harold & Shirley Jones
9 Cedar Ave.
New Windsor, NY 12553

14-7-5
Toni Ann Catalano
PO Box 4139
New Windsor, NY 12553

14-7-27
Joseph Jr. & Cecelia Piqueras
771 Orchard Dr.
Wallkill, NY 12589

14-7-7
Highway Displays Inc.
404 Maple St.
Poughkeepsie, NY 12601

14-8-1
Mario & Solomon Crisostomo
33 Quassaick Ave.
New Windsor, NY 12553

14-7-8
Jeffrey & Jeanne Stent
15 Melrose Ave.
New Windsor, NY 12553

14-7-9
Rd Development Corp
2439 Route 32 Suite 10
New Windsor, NY 12553

14-7-12
Daniel Grove Jr. & Randy Vite
2439 Route 32 Suite 10
New Windsor, NY 12553



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

February 18, 2005

Mira Rumsey Blythe, Executrix
320 Jackson Avenue
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-07

Dear Ms. Blythe:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

7 High Street
New Windsor, NY

is scheduled for the March 14, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that despondent is the

Legal Sales Representative

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Legal Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

2/22/05

Signature of Representative:

[Handwritten Signature]

Sworn in before me this

27

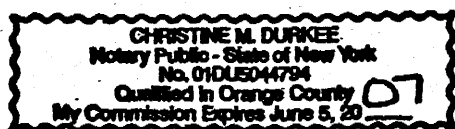
Day of

Feb

2005

[Handwritten Signature: Christine M. Durkee]

Notary Public, Orange County





RESULTS OF Z.B.A. MEETING OF: January 2, 2005

PROJECT: Mira Runney Clyde

ZBA # _____
P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Ps S) Rv VOTE: A 5 N 0

GANN A
LOCEY A
RIVERA A
~~MCDONALD~~
REIS A
KANE A

CARRIED: Y ☒ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

GANN _____
LOCEY _____
RIVERA _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____.

Interpretation

*No longer asking for auto sales
Only asking for auto repairs*

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 01-12-2005 PROJECT NUMBER: ZBA# 05-07 P.B. # _____

APPLICANT NAME: MIRA BLYTHE

PERSON TO NOTIFY TO PICK UP LIST:

MICHAEL OR MIRA BLYTHE
320 JACKSON AVENUE
NEW WINDSOR, NY

TELEPHONE: 497-3255

TAX MAP NUMBER:	SEC. <u>13</u>	BLOCK <u>5</u>	LOT <u>40</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: 7 HIGH STREET
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
 OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1697

TOTAL CHARGES: _____

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 01-04-05

FOR: ESCROW 05-07

FROM:

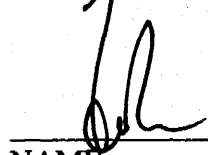
Mira Rumsey Blythe, Executrix
320 Jackson Avenue
New Windsor, NY 12553

CHECK NUMBER: 1696

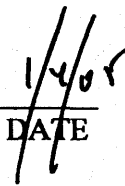
TELEPHONE: 497-3255

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#14-2005

01/04/2005

Blythe, Michel **05-07*

Received \$ 150.00 for Zoning Board Fees, on 01/04/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

ZONING BOARD OF APPEALS

January 4, 2005

Mira Rumsey Blythe, Executrix
320 Jackson Avenue
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-07

Dear Ms. Blythe:

This letter is to inform you that you have been placed on the January 10, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

7 High Street
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#174-2002**

02/20/2002

Blythe, Mira

**Received \$ 25.00 for Assessors List on 02/20/2002. Thank you for stopping
by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**



EXPIRED

1/10/05



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted).

Mira Blythe
SIGNATURE

12-27-04
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.
(JULY AND AUGUST - ONE MEETING PER MONTH ONLY)



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

12/13/04
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information: Charles E. Rumsey / MIRA R. Blythe
(Name) Phone Number: (845) 913-6093
320 Jackson Ave. New Windsor NY 12553
(Address) Fax Number: (845) 497-3255

II. Applicant: MIRA Rumsey Blythe Executrix
(Name) Phone Number: (845) 913-6093
320 Jackson Ave, New Windsor, NY 12553
(Address) Fax Number: (845) 497-3255

III. Forwarding Address, if any, for return of escrow: Phone Number: ()
Same as above
(Name) Fax Number: ()
(Address)

IV. Contractor/Engineer/Architect/Surveyor/: Phone Number ()
None to date
(Name) Fax Number: ()
(Address)

V. Property Information:
Zone: R-4, Property Address in Question: 7 High St.
Lot Size: 100 x 50 (approx) Tax Map Number: Section 13 Block 5 Lot 40
a. What other zones lie within 500 feet? R-4
b. Is pending sale or lease subject to ZBA approval of this Application? No
c. When was property purchased by present owner? prior to 1952
d. Has property been subdivided previously? No If so, When:
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
f. Is there any outside storage at the property now or is any proposed? yes

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

USE VARIANCE

Applicant must show that applicable zoning regulations and restrictions have caused unnecessary hardship.

To show this the applicant must prove four (4) for each and every case that is permitted under the Zoning regulations for the zone in which the property is located. These factors are:

(1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

Remember: ALL permitted uses in the zone must be covered. Each permitted use must be specifically addressed.

Applicant seeks an interpretation to permit the continuance of a pre-existing non-conforming use. Applicant is prepared to demonstrate continuous use of property consistent with use as a repair garage pre-dating the zoning ordinance.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. **SIGN VARIANCE:** *No sign variance requested*

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. **INTERPRETATION:**

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

Applicant seeks interpretation allowing use of property consistent with its continuous use since 1952 for general automotive, storage and repair. Use of property for automotive sales is not sought. Applicant can demonstrate use as above by affidavits +/or personal knowledge. This is a pre-existing non-conforming use which pre-dates the zoning ordinance. This has no effect and neighbors are O.K.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)

- ☐ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

28th day of December 2004.

Suzanne L. Hermance
Signature and Stamp of Notary

SUZANNE L. HERMANCE
Notary Public, State of New York
Registration No. 01HE6013502
Qualified in Orange County
Commission Expires September 21, 2008

Mira Blythe
Owner's Signature (Notarized)

Mira Blythe
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

THIS INDENTURE

Made this 9th day of June, 1958, between QUASSAICK FIRE ENGINE COMPANY OF NEW WINDSOR, NEW YORK, INC., a corporation duly organized under the Membership Corporation Law of the State of New York, and having its principal place of business on Walsh Avenue (no street number) in the Town of New Windsor, Orange County, New York, party of the first part, and CHARLES EDWARD RUMSEY, JR., residing on South Plank Road (no street number) in the Town of Newburgh, Orange County, New York, party of the second part.

WHEREAS, the party of the first part, at a meeting of its Directors duly called and held, has authorized a conveyance of a parcel of real estate conveyed to it by Hilda L.

Smith, which parcel of real estate had theretofore been conveyed by Arthur Smith and Hilda L. Smith to Charles Edward Rumsey, Jr. by a deed dated August 10, 1951 and thereafter recorded in the Orange County Clerk's Office on the 6th day of March, 1958 in Liber 1455 of Deeds at page 367, and which parcel of real estate, thru error, was included in a conveyance of real property on Walsh Avenue, Town of New Windsor, New York, to the party of the first part; and

WHEREAS, upon petition of the party of the first part an order of the County Court of Orange County was duly made ^{ON JUNE 21, 1958} and entered in the Orange County Clerk's Office on the ²¹ day of June, 1958, permitting the party of the first part to convey said parcel of real property;

NOW THIS INDENTURE WITNESSETH, that the said party of the first part, pursuant to the provisions of said order, and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States, and other good and valuable con-

sideration paid by the party of the second part, does hereby grant and release unto the said party of the second part, his heirs and assigns forever,

ALL that tract or parcel of land situate, lying and being in the Town of New Windsor, County of Orange, and State of New York, bounded and described as follows, to wit:-

BEGINNING at a point in the east line of Lot No. 68, as the same is laid down on a Map of Lands of D. P. Kelley on file in the Orange County Clerk's Office, which point or place of beginning is 50 feet south from the southerly line of High Street, and running thence westerly and parallel with the south line of High Street to the west line of Lot No. 71 as laid down on said Map of Lands of D. P. Kelley; thence southerly and along the west line of Lot No. 71 for a distance of 25 feet; thence easterly and parallel with the first described course for a distance of approximately 100 feet to the east line of Lot No. 68 as laid down on said Map; thence northerly along the east line of Lot No. 68 to the point or place of beginning. Being a tract of land 100 feet in width by 25 feet in depth, and being a portion of Lots Nos. 68, 69, 70 and 71 on said Map.

BEING a part of the premises conveyed to Arthur Smith and Hilda L. Smith by William F. Sheehan and Clara Sheehan by deed dated April 18, 1923 and recorded in the Orange County Clerk's Office on April 21, 1923 in Liber 631 of Deeds at page 33, and BEING a part of the premises conveyed by Hilda L. Smith to the party of the first part by deed dated the day of December, 1957, which erroneously included the foregoing parcel which had heretofore and on or about the 10th day

386

of August, 1951 been conveyed to the party of the second part
TOGETHER with all the appurtenances and all the es-
tate and right of the party of the first part in and to said
premises,

TO HAVE AND TO HOLD the above granted premises unto
said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part
has caused this Indenture to be signed, sealed, executed and
delivered by its President the day and year first above written

(NO STAMPS REQUIRED)

QUASSAICK FIRE ENGINE COMPANY OF
NEW WINDSOR, NEW YORK, INC.

IN PRESENCE OF:

By

John E. Early
President

STATE OF NEW YORK)
SS.:
COUNTY OF ORANGE)

On this *4th* day of June, 1958, before me personally came JOHN E. EARLY, to me known, who being duly sworn, did depose and say that he resides at 61 Quassaick Avenue in the Town of New Windsor, Orange County, New York; that he is the President of QUASSAICK FIRE ENGINE COMPANY OF NEW WINDSOR, NEW YORK INC., the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Jacob A. Decker
Notary Public

JACOB A. DECKER
NOTARY PUBLIC IN THE STATE OF NEW YORK
RESIDING IN ORANGE COUNTY - OFFICIAL No. 138
MY COMMISSION EXPIRES MARCH 30, 1959

This Indenture

Made the eleventh day of May, Nineteen Hundred and Fifty-one,

Between ARTHUR SMITH and HILDA L. SMITH, his wife, residing on Walsh's Road (no street number) in the Town of New Windsor, Orange County, New York,

parties of the first part, and

CHARLES EDWARD RUMSEY, JR., residing at No. 26 Mill Street in the City of Newburgh, Orange County, New York,

party of the second part,

Witnesseth that the parties of the first part, in consideration of Ten _____ Dollars (\$ 10.00) lawful money of the United States,

do hereby grant and release unto the party of the second part, his heirs and assigns forever, all that tract or parcel of land situate in the Town of New Windsor, in the County of Orange and State of New York, bounded and described as follows, to wit:

BEGINNING at a point on the south side of High Street, as the same is laid down on a Map of Lands owned by D. P. Kelley on file in the Orange County Clerk's Office, 100 feet west of the west line of Spring Street as the same is laid down on said Map, and running thence westerly along the south line of High Street 100 feet to the corner of lands heretofore conveyed by D. P. Kelley to Waldo Vielle; thence southwardly along the east line of lands of said Vielle 50 feet; thence eastwardly and parallel with the first described course 100 feet to the southwest corner of Lot No. 65, as laid out on said Map of lands; thence northerly along the westerly line of Lots 65 and 64, 50 feet to the point or place of beginning.

BEING a part of the premises conveyed by William F. Sheehan and Clara Sheehan, his wife, to the parties of the first part by deed dated October 18, 1923 and recorded in the Orange County Clerk's Office on April 21, 1923 in Liber 631 of Deeds at page 33.

Together with the appurtenances and all the estate and right of parties of the first part in and to said premises,

To have and to hold the premises herein granted unto the heirs of the second part, his heirs and assigns forever

And said Arthur Smith and Hilda L. Smith

covenant as follows

First. That said Arthur Smith and Hilda L. Smith are

seized of said premises in fee simple, and have good right to convey the same

Second. That the party of the second part shall quietly enjoy the premises;

Third. That the said premises are free from incumbrances;

Fourth. That the parties of the first part will execute or procure further necessary assurance of the title to said premises;

Fifth. That said Arthur Smith and Hilda L. Smith

will forever *Warrant* the title to said premises.

Sixth. That the grantors will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be used first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of



TOWN

OF NEW WINDSOR

On this eleventh day of May, Nineteen Hundred and
Fifty-one, before me, the subscriber, personally appeared

ARTHUR SMITH and HILDA L. SMITH,

to me personally known and known to me to be the same persons described
in and who executed the within Instrument, and they severally
acknowledged to me that they executed the same.

Jacob A. Decker

JACOB A. DECKER
NOTARY PUBLIC IN THE STATE OF NEW YORK
RESIDING IN SARATOGA COUNTY, OFFICIAL NO. 138
MY COMMISSION EXPIRES MARCH 20, 1952

A true record entered July 23rd, 1951 at 2:30 P. M.

S. L. B... Clerk

This Indenture

Made the tenth day of August, Nineteen Hundred and
thirty-one,

Between ARTHUR SMITH and HILDA L. SMITH, his wife, residing

at No. 189 Walsh's Road, Town of New Windsor, Orange County, New York,

parties of the first part, and

JOSEPH EDWARD HURSEY, residing at No. 23 Elm Street, City of New
York, Orange County, New York,

~~William F. Smith~~

part of the second part,

that the part of the first part, in consideration of Dollar

do hereby grant and release unto the part of the second part, and assigns forever, all

to, lying and being in the City of New London, County of Orange,

State of New York, bounded and described as follows, to wit:

Beginning at a point in the east line of Lot No. 68 as laid down on a map of Lands of P. F. Kelley and Town of Orange, Orange County, New York, which point or place of beginning is 40

feet south from the southerly line of High Street, and running thence

northerly and parallel with the south line of High Street to the east

line of Lot No. 71 as laid down on said map of Lands of P. F. Kelley;

thence southerly and along the west line of Lot No. 71 for a distance

of 25 feet; thence easterly and parallel with the first described

course for a distance of approximately 100 feet to the east line of

Lot No. 68 as laid down on said map; thence northerly along the east

line of Lot No. 68 to the point or place of beginning. Being a tract

of land 100 feet in width by 25 feet in depth, and being a portion

of Lots Nos. 68, 69, 70 and 71 on said map.

BEING a part of the premises conveyed to Arthur Smith and

Ellen L. Smith by William F. Sheehan and Clara Sheehan by deed dated

April 10, 1923 and recorded in the Orange County Clerk's Office on

April 21, 1923 in Liber 631 of Deeds at page 35.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to said premises,

To have and to hold the premises herein granted unto the part of the second part, his heirs and assigns forever.

And said Arthur Smith and Hilda L. Smith covenant as follows:

First. That said Arthur Smith and Hilda L. Smith are seized of said premises in fee simple, and have good right to convey the same.

Second. That the part of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the part of the first part will execute or procure such further necessary assurance of the title to said premises;

Fifth. That said Arthur Smith and Hilda L. Smith

will forever *Warrant* the title to said premises.

Sixth. That the grantor *s* will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

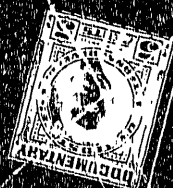
In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

Jacobi Decker

Arthur Smith

Hilda L. Smith



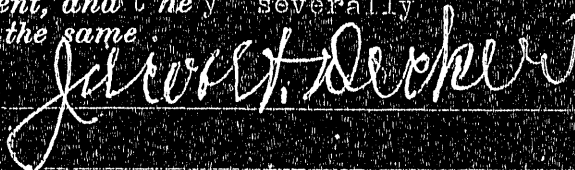
County of ORANGE
of

SS.

On this tenth day of August, Nineteen Hundred and
fifty-one, before me, the subscriber, personally appeared

ARTHUR SMITH and HELEN L. SMITH,

to me personally known and known to me to be the same persons described
in and who executed the within Instrument, and they severally
acknowledged to me that they executed the same.



JACOB A. DECKER
NOTARY PUBLIC IN THE STATE OF NEW YORK
RESIDING IN ORANGE COUNTY - OFFICIAL No. 130
MY COMMISSION EXPIRES MARCH 30, 1953

A true record entered March 6th, 1958 at 9:00 A. M.


Clerk



June 11, 2003

P.B. # Workshop

NEGATIVE DEC:

M) S) VOTE: A N
CARRIED: Y N

CLOSED: _____

SCHEDULE P.H.: Y_____N_____

SEND TO O.C. PLANNING: Y____
SEND TO DEPT. OF TRANSPORTATION: Y____

REFER TO Z.B.A.: M)____S)____ VOTE: A____N____

RETURN TO WORK SHOP: Y__N__

APPROVAL:

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y_____N_____

CONDITIONS – NOTES:

Need Interpretation and/or Variance for repairs and sales



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ Main Office

33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
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☐ Regional Office

507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
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Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

100-3

TOWN / VILLAGE OF: New Windsor

P/B APP. NO.: _____

WORK SESSION DATE: 7 MAY 03

PROJECT: NEW X OLD _____

REAPPEARANCE AT W/S REQUESTED: Not now

RESUB. REQ'D: No

PROJECT NAME: Rumsey Blythe Site Plan

REPRESENTATIVES PRESENT: Mira + Mike Blythe

MUNICIPAL REPS PRESENT:

BLDG INSP.
ENGINEER X
P/B CHMN _____

FIRE INSP. Bob (2)
PLANNER _____
OTHER _____

ITEMS DISCUSSED: High Street-

STND CHECKLIST:

PROJECT
TYPE

DRAINAGE _____

SITE PLAN

DUMPSTER _____

SPEC PERMIT

SCREENING _____

L L CHG.

LIGHTING _____

(Streetlights)

LANDSCAPING _____

SUBDIVISION

BLACKTOP _____

OTHER

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS:

ZBA Referral: _____

Y X N not yet?

Ready For Meeting

X Y N

Recommended Mtg Date

6-11-DISC

* Discussion 6/11 mtg